



FEMA

FEMA Recovery Updates and the Sandy Recovery Improvement Act of 2013





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Approach

- Be **survivor-centric** in mission and program delivery
- Be inclusive of **Whole Community** in every facet of work
- Be **expeditionary**
- Posture and build capability for catastrophic disasters
- Enable disaster risk reduction
- Achieve business and management excellence
- Foster improvement, innovation, invention and learning at all levels



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Reforms

- Established *Whole Community* as a foundational concept for how we do business in FEMA and across the EM team
- Developed an operational approach that emphasizes speed, agility, and smart decision-making
- Initiated reforms to our disaster workforce
 - FEMA Qualification System (FQS)
 - FEMA Reservists Program
 - DHS Surge Capacity Force
 - FEMA Corps
 - Disaster Survivor Assistance



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Sandy Recovery Improvement Act of 2013





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Sandy Recovery Improvement Act (SRIA)

- On January 29, 2013, President Obama signed into law the Sandy Recovery Improvement Act of 2013 (P.L. 113-2) (SRIA).
- Law authorizes several significant changes to the way the Federal Emergency Management Agency (FEMA) may deliver disaster assistance under a variety of programs.
- FEMA is currently developing specific implementation procedures for each new authority and will provide further guidance through a combination of rulemaking and the development of policy or other guidance documents.



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Sandy Recovery Improvement Act (SRIA)

- These implementation procedures will detail the applicability of each provision, provide further guidance as to how the authority will be implemented, and may include metrics and other assessment tools and procedures.
- Prospectively, the changes in law apply to disasters declared on or after the date of enactment, January 29, 2013.
- Certain of the provisions can be applied retrospectively
- Law allows FEMA to implement certain of the provisions as a pilot until regulations are changed



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Individual Assistance

Sec. 1103. Federal Assistance to Individuals and Households.

- Authorizes FEMA to enter into lease agreements with owners of multi-family rental properties, and to make repairs or improvements to these properties, for the purpose of providing direct temporary housing.



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Individual Assistance

Sec. 1108(a). Essential Assistance.

- Includes child care in ONA
 - Congress gave FEMA the explicit authority to provide child care assistance as a form of disaster assistance.
 - Affirms that child care expenses are an eligible expense for reimbursement as part of Other Needs Assistance (ONA) provision of the Individuals and Households Program (IHP).



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Individual Assistance

Sec. 1109. Individual Assistance Factors.

- Requires FEMA, by January 29, 2014, to review, update and revise factors relating to trauma to measure the severity, magnitude and impact of a disaster and to evaluate the need for assistance to individuals.
- Individual Assistance factors at 44 C.F.R. 206.48(b)



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Public Assistance

Sec. 1102. Public Assistance Program Alternative Procedures (cont.). Goals.

- Reduce costs to Federal Government of providing assistance through the PA Program
- Increase flexibility in the administration of assistance
- Expedite the provision of assistance to customers
- Provide financial incentives and disincentives for timely and cost-effective completion of PA Program-funded projects



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Public Assistance

Sec. 1102. Public Assistance Program Alternative Procedures

- Permits permanent work and debris grants based on fixed estimates (**debris provision expected Summer 2013**)
- Permits project consolidation based on fixed estimates
- Eliminates penalty for alternate projects
- Permits FEMA to accept applicants' professional certified estimate and/or use of 3rd party professional validation of estimate



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Public Assistance

Sec. 1102. Public Assistance Program Alternative Procedures (cont.).

- Allows FEMA to pay municipal force account regular or straight time for debris removal
- Permits applicants to retain income from debris recycling
- Allows the use of a sliding scale for debris cost share to incentive speed



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Public Assistance

Sec. 1102. Public Assistance Program Alternative Procedures (cont.).

- Permits incentives for pre-disaster debris plan with at least 1 pre-qualified debris contractor
- Allows applicants to use underburn from estimates for other PA work and planning
- Requires the DHS OIG to report on effectiveness of new procedures within 3-5 years



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Public Assistance

Sec. 1102. Public Assistance Program Alternative Procedures (cont.).

- Administrator may waive notice and comment rulemaking to implement this section as a pilot until such time as rulemaking is completed
- This section is retroactive for prior disaster projects for which construction has not begun as of the date of enactment



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Public Assistance

Sec. 1102. Public Assistance Program Alternative Procedures (cont.)

- FEMA is implementing the new authorities as a **pilot program**
- FEMA has developed pilot program guidance to implement the alternative procedures which include specific changes to debris removal and permanent work, as authorized by Congress
- Subgrantees participating in pilot must abide by pilot program guide
- All other statutory, regulatory, and policy requirements remain in effect
- FEMA must ensure compliance with other Federal requirements, including environmental and historic preservation (EHP) laws, regulations, and executive orders



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Public Assistance

- **Sec. 1102. Public Assistance Program Alternative Procedures (cont.)**
- At this time, alternative procedures are only available for permanent work subgrants (***Debris procedures to be released in Summer 2013***)
- State, tribal, local governments and owners/operators of certain private nonprofit facilities may participate in pilot
- Participation and use of alternative procedures for specific projects is voluntary
- Procedures can be used in emergencies and major disasters declared on or after the date of issuance
- The procedures may also be applied in major disasters declared prior to date of issuance if construction has not begun



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Public Assistance

Sec. 1105. Dispute Resolution Pilot Program.

- Creates nationwide arbitration pilot for 3 years
- Independent review panel
- Disputes of \$1 million or greater and with a non-federal cost share requirements
- Requires exhaustion of first appeal before seeking arbitration and provides clarity on standards of review



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Public Assistance

Sec. 1106. Unified Federal Review.

- Requires a unified and expedited federal interagency review process for environmental and historic preservation considerations in consultation with the Council on Environmental Quality and the Advisory Council on Historic Preservation



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Public Assistance

Sec. 1107. Simplified Procedures.

- Increases the small project threshold for PA within 1 year and requires adjustment every 3 years thereafter
 - Threshold is currently \$67,500 (effective 10/1/12)
 - FEMA will evaluate how threshold impacts “cost-effectiveness, speed of recovery, capacity of grantees, past performance, and accountability measures”
 - Enact after report to Congress



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Public Assistance

Sec. 1108(b). Essential Assistance (cont.)

- Permits straight time pay for state, tribal and local government employees conducting emergency protective measures (Cat B) they don't typically do that is usually performed by contractors in an effort to create cost effective use of force account labor.
 - Similar to provision in Sec. 1102 allowing for reimbursement of straight time pay for debris removal, except limited to “...government employees performing work they don’t typically do.”



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Hazard Mitigation

Sec. 1104. Hazard Mitigation.

- Allows FEMA to provide up to 25 percent of the estimated costs for eligible hazard mitigation measures before eligible costs are incurred.
- Provides FEMA with authority to implement State administration of the Hazard Mitigation Grant Program (HMGP).



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Tribal Requests for a Declaration

Sec. 1110. Tribal Requests for a Major Disaster or Emergency Declaration under the Stafford Act.

- Permits, but doesn't require, the "Chief Executive" of an "affected Indian tribal government" to submit a request to the President for a major disaster or emergency declaration consistent with the requirements listed in Stafford Act section 401 (major disasters) and 501 (emergencies)



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Tribal Requests for a Declaration

Sec. 1110. Tribal Requests for a Major Disaster or Emergency Declaration under the Stafford Act (cont.)

- An Indian tribal government may alternatively be eligible to receive assistance through a declaration made by the President at the request of a State, so long as the Indian tribal government does not receive a separate declaration from the President for the same incident
- Allows the President to waive or adjust the cost share for Public Assistance



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Tribal Requests for a Declaration

Sec. 1110. Tribal Requests for a Major Disaster or Emergency Declaration under the Stafford Act (cont.)

- Requires FEMA to “consider the unique conditions that affect the general welfare of Indian tribal governments” when implementing this new authority
- New authority being implemented in three phases:
 - Immediate implementation using current regulations
 - Development of pilot guidance building off of FEMA’s current regulations
 - Development and publication of regulation.



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Risk and Resilience

Sec. 1111. Recommendations for Reducing Costs of Future Disasters.

- Requires FEMA, by July 28, 2013, to develop recommendations for development of national strategy for reducing future costs, loss of life, and injuries associated with extreme disaster events in vulnerable areas of the United States.



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